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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047326
Party	Defendant Choon Nakamura Choon Nakamura 794 So. Standford Avenue Los Angeles, CA 90021
Correspondence Address	KATHRYN A. TYLER TYRE KAMINS KATZ & GRANOF 1880 CENTURY PARK EAST, SUITE 300 LOS ANGELES, CA 90067 UNITED STATES ktyler@tyrekamins.com
Submission	Answer
Filer's Name	Kathryn A. Tyler
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Signature	/Kathryn A. Tyler/
Date	05/24/2007
Attachments	Noodles Answer.pdf (4 pages)(108592 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Jacqueline Alexander, Petitioner, vs. Choon Nakamura, Respondent.	CANCELLATION No. 92047326 U.S. TM Reg. No.: 2627767 Mark: NOODLES Registration Date: October 1, 2002
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Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

ANSWER

Respondent answers the Petition for Cancellation as follows.

1. The Petitioner, Jacqueline Alexander, is a Canadian citizen, whose address is #26 Soi 10 Su khumvit Road Bangkok THAILAND 10110.

ANSWER: Respondent is without knowledge or information sufficient to form a belief as to the truth of that statement.

2. On May 16, 2005, Petitioner filed an intent-to-use application under Section 1(b) for registration of the mark "NOODLES ONLY NOODLES AND HER ELEPHANT FRIENDS SHOULD WEAR IVORY & Design" for, inter alia, "clothing, namely, t-shirts, night shirts,

shorts, hats, house coats, dresses, painting smocks, pajamas; footwear, namely, thongs and athletic footwear” in International Class 25, which is currently pending under Serial No. 78/630932.

ANSWER: Respondent admits that Petitioner filed the trademark application serial no. 78/630932 on May 16, 2005, but is without knowledge or information sufficient to form a belief as to whether the application is still pending.

3. The Examining Attorney has refused registration of Petitioner’s mark under Section 2(d) on grounds that it is likely to cause confusion with Respondent’s Registration No. 2,627,767 for “NOODLES”.

ANSWER: Respondent admits that the USPTO record reflects the Examining Attorney refused registration of Petitioner’s mark because of likelihood of confusion with three prior registrations, one of which is Respondent’s.

4. Although Petitioner believes confusion is not likely between its mark and that of Respondent, the Examining Attorney’s citation of Respondent’s registration will damage Petitioner by preventing registration of its own proposed mark “NOODLES ONLY NOODLES AND HER ELEPHANT FRIENDS SHOULD WEAR IVORY & Design.”

ANSWER: Respondent denies there is no likelihood of confusion between the marks; Respondent is without knowledge or information sufficient to form a belief of whether or not Petitioner will be damaged.

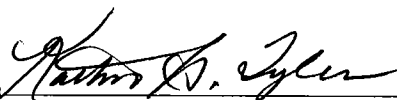
5. Respondent, upon information and belief, believes that Respondent is not using and has abandoned the mark "NOODLES" and its registration should therefore cancelled [sic] pursuant to Section 14(3) (15 U.S.C. Section 1064(3)).

ANSWER: Respondent denies this claim in its entirety.

Respectfully submitted,

TYRE KAMINS KATZ & GRANOF

Dated: May 24, 2007

By: 
Kathryn A. Tyler, Esq.
Attorney for Respondent,
Choon Nakamura

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PROOF OF SERVICE

STATE OF CALIFORNIA)
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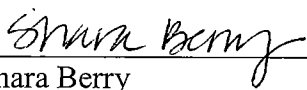
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1880 Century Park East, Suite 300, Los Angeles, CA 90067.

On May 24, 2007, I caused to be served the **ANSWER** on the interested party in the above action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Jane Eckels
DAVIS WRIGHT TREMAINE LLP
1501 Fourth Avenue, Suite 2600
Seattle, WA 98101

- [X] **BY MAIL** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.
- [X] **BY E-MAIL** I caused the attached document to be transmitted via e-mail to the addressee at **janeeckels@dwt.com**
- [] **BY FAX** I caused the attached document to be transmitted by facsimile transmission to the offices of the addressee.
- [] **BY FEDERAL EXPRESS** I caused such envelope to be deposited in a mailbox, substation, mail chute or other like facility regularly maintained by Federal Express for receipt of Federal Express packages, in a sealed envelope fully prepaid.
- [] **BY PERSONAL SERVICE** I caused such envelope to be delivered by hand.
Executed on _____, at Los Angeles, California.
- [X] **FEDERAL** I declare that I am employed by a member of the federal bar who is admitted to practice before the USPTO and TTAB.



Shara Berry